

DOCKET NO. D-2003-033 CP-2

DELAWARE RIVER BASIN COMMISSION

Aqua Pennsylvania, Inc.

**UGS North and Honey Brook Systems Groundwater Withdrawal and Interconnection
East Brandywine, West Brandywine, Caln and Honey Brook Townships, Chester County,
Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by East Latitude on behalf of Aqua Pennsylvania, Inc. (Aqua) to the Delaware River Basin Commission (DRBC or Commission) on February 26, 2013 with supplemental application material submitted on June 29, 2016 for the approval of an allocation of groundwater and an interconnection and review of two previously approved groundwater withdrawal projects (Application). The two groundwater withdrawal projects include the UGS North system and the Honey Brook System which are described in DRBC Dockets Nos. D-2003-33 CP and D-2000-48 CP, respectively. Because these systems have been physically interconnected, Docket D-2003-033 CP-2 consolidates all sources utilized by the two water systems into one docket approval. Pennsylvania Department of Environmental Protection (PADEP) issued the most recent Public Water Supply Permit No. 1515527 on March 18, 2016 for the Friendship System.

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 10, 2016.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew the approval of an existing groundwater withdrawal of up to 24.13 million gallons per month (mgm) from 14 existing wells including one replacement well and up to 15.5 mgm of water from an existing interconnection with Downingtown Municipal Water Authority (DMWA) for continued use in the docket holder's interconnected UGS North and Honey Brook public water systems. This docket consolidates and combines the total allocations contained in two separate DRBC approvals issued for the two systems with no increase in the total allocations previously approved by these dockets.

2. Location. The UGS North System also referred to as the Friendship System is comprised of 11 wells located in East and West Brandywine Townships and three (3) wells located in Honey

Brook Township, Chester County, Pennsylvania. The Honey Brook system was formerly a satellite water system, but was interconnected to the UGS North system in 2001. The wells in East and West Brandywine Townships are completed in felsic and intermediate gneiss in the drainage areas of Culbertson Run and Beaver Creek in the East Branch Brandywine Watershed and the three (3) wells located in Honey Brook Township, Chester County, Pennsylvania are completed in graphitic gneiss within the West Branch Brandywine Creek Watershed.

Specific location information has been withheld for security reasons.

3. Area Served. The project wells serve customers in portions of East Brandywine, West Brandywine, Caln and Honey Brook Townships, all in Chester County, Pennsylvania, as delineated on a map entitled “UGS North System Service Area” dated May 26, 2015 submitted with the application. For purposes of this Docket, the Service Area shall also include such additional portion of these Townships that the Pennsylvania Public Utilities Commission authorizes API to serve through its UGS Northern Division system, but shall not include any areas outside these Townships unless this Docket is amended to expand the Service Area. In 2013, the UGS North System served approximately 51% of the population in East Brandywine Township, 25% of the population in West Brandywine Township, 81% of the population in Honey Brook Township and 4% of the population in Caln Township. Individual private wells and a few very small community water systems serve the remainder of residences in East Brandywine, West Brandywine and Honey Brook Townships. In addition to Aqua, DMWA, Pennsylvania American Water Company and individual private wells provide water service in Caln Township. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical features.

a. Design criteria. The UGS North system currently serves water to an estimated population of approximately 7,200 persons via 2,660 residential, 79 commercial, 13 institutional and 744 other/fire/residential fire/unmetered fire connections, with an average and maximum demand of 0.563 mgd and 0.816 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.961 mgd and 1.26 mgd, respectively. The 39.63 mgm total system allocation for all sources (groundwater and the water transferred from DMWA) should be sufficient to meet the projected future system demands.

b. Facilities. The existing project wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
Cross Keys	200'	Unknown / 8"	70 gpm	Unknown

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
Culbertson Run	300'	Unknown / 12"	75 gpm	Unknown
Kimberwick No. 1	400'	Unknown / 6"	93 gpm	Unknown
Kimberwick No. 2	300'-400'	Unknown / 6"		Unknown
Kimberwick No. 3	300'-400'	Unknown / 6"		Unknown
Kimberwick No. 4	300'-400'	Unknown / 6"		Unknown
Friendship No. 4	unknown	Unknown / 6"	120 gpm	Unknown
Friendship No. 2	95'	Unknown / 6"		Unknown
Locust Knoll	340'	Unknown / 8"	62 gpm	1974
Kay Well B	705'	63' / 8"	65 gpm	2000
Kay Well C	605'	35' / 8"	80 gpm	2000
Deer Run	330'	37' / 8"	95 gpm	1998
Grandstaff Well 1	288'	46' / 8"	28 gpm	1988
Grandstaff Well 2	200'	56' / 8"	150 gpm	1988

All water service connections are metered.

All withdrawals are metered. The Friendship No. 2 and 4 and the Kimberwick Wells share common meters. Individual source metering is required by this docket (see Condition C.II.i.).

Prior to entering the distribution system, all water is treated by chlorination. Water at several of the wells is treated for corrosion control, pH adjustment and iron and manganese removal.

All project wells are located outside the 100-year floodplains.

Kay Wells B and C have not been used since 2007. These wells will be used in the future to meet system projected demands. Continued groundwater level monitoring is required.

The previous docket approved the use of Friendship Well Nos. 1 and 2. It was discovered that Well No. 1 had been replaced by Well No. 4 prior to 1996 and has been in operation since that time. Friendship Well No. 1 will be abandoned.

The UGS North system is presently interconnected with the DMWA. PADEP Water Allocation Permit No. WA-15-67H, approved on May 5, 2004, allows Aqua to purchase up to 500,000 gallons per day of water from DMWA. DMWA's facilities, most recently approved by DRBC Docket D-1989-063 CP-2 on March 6, 2013, include an intake on the East Branch Brandywine Creek and one groundwater source (Well No. DPW-1). The well is used only as an emergency/backup supply when DMWA's existing surface water withdrawal is disrupted or to blend well water with surface water withdrawals during periods of high turbidity following heavy

precipitation events and during occasional releases of poor water quality from Marsh Creek Reservoir.

c. **Other.** Wastewater from the UGS North system is discharged to private on-lot septic systems and several wastewater treatment plants (WWTP). Approximately 55% of the wastewater generated is disposed of via on-site sewage disposal systems within the project's service area. Approximately 20% of the wastewater is conveyed to the Northwest Chester County Municipal Authority WWTP most recently approved by DRBC Docket No. D-74-63 CP on July 23, 1975. The PADEP issued its most recent NPDES permit No. PA0044776 on June 11, 2013 for this treatment facility. Approximately 18% is conveyed to the Little Washington Culbertson Run WWTP most recently approved by DRBC Docket No. D-2001-54-2 on January 19, 2005. The PADEP issued its most recent WQM permit SEW No. 1596401 on January 4, 2008 for this treatment facility. Approximately 6% of wastewater is conveyed to the Pennsylvania American Water Company - Coatesville WWTP most recently approved by DRBC Docket No D-1992-064 CP-3 on July 11, 2012. The PADEP issued its most recent NPDES permit No. PA0026859 on October 2, 2013 for this treatment facility. Approximately 1% of the wastewater generated is conveyed to the East Brandywine Township – Keats Glenn STP. The PADEP issued its most recent NPDES permit No. PA0030228 on September 28, 2012 for this treatment facility. The treatment facilities have adequate capacity to continue to receive wastewater from the existing project.

d. **Relationship to the Comprehensive Plan.** The UGS North System groundwater sources were included in the Comprehensive Plan via Docket Nos. D-98-11 CP and D-2002-5 CP, approved on April 3, 2002 and May 31, 2002, respectively. The interconnection with DMWA was included in the Comprehensive Plan via Docket No. D-2003-33 CP, approved on April 21, 2004. The Honey Brook system groundwater sources were described in Docket D-2000-48 CP, approved on June 6, 2001; however only the Deer Run Well was added to the Comprehensive Plan. The two other Honey Brook groundwater sources (Grandstaff Wells Nos. 1 and 2) and Friendship No. 4 will be included in the Comprehensive upon approval of this docket.

The DMWA facilities, which represent the source of the interconnection, were included in the Comprehensive Plan via Docket No. D-89-63 CP, approved on May 23, 1990.

B. FINDINGS

Background

Aqua proposes to continue to use the existing UGS North System groundwater sources and its interconnection with DMWA to supply its service area located in East Brandywine, West Brandywine, Caln, and Honey Brook Townships (the UGS North system), all in Chester County, Pennsylvania. This docket combines two previously approved water supply projects (the UGS-North system described in D-2003-33 CP and the Honey Brook System described in D-2000-48 CP) into one DRBC Docket.

In 1996, Aqua acquired the Friendship, Kimberwick, Little Washington and Locust Knoll water systems, comprising the Northern Division of the Utility Group Services Corporation

territory. At the time, the systems were not interconnected and relied exclusively on groundwater from a total of 9 wells. Aqua has subsequently interconnected these systems. These groundwater sources were included in D-98-11 CP, approved on April 3, 2002. In 2002, DRBC gave approval to Aqua under DRBC Docket No. D-2002-5 CP to use two additional wells (Kay Wells B and C) to meet demand during seasonal shortages until the formerly proposed Cornog Water Treatment Plant (also described in Docket No. D-98-11 CP) was placed into operation. At the time the DRBC adopted Docket No. 2002-5 CP, the Kay Wells B and C were to be discontinued because the 1.0 mgd capacity of the proposed Cornog water treatment plant in addition to the capacity from the existing nine (9) UGS Northern Division wells was considered sufficient to meet projected water supply demand in the service area.

As described in Docket No. D-2003-33 CP, DRBC Resolution No. 2003-22, dated October 15, 2003 suspended Aqua's authority to proceed with the Cornog Quarry project. Instead, Aqua elected to obtain additional water via an interconnection with DMWA, which was approved in Docket No. D-2003-33 CP. Since the interconnection with DMWA was limited to up to 0.5 mgd, the Kay Wells B and C, in addition to the other existing groundwater sources were needed to meet the projected demands of the UGS Northern Division distribution system.

In 1994, Aqua acquired the assets of Grandstaff Water Company which included Grandstaff wells Nos. 1 and 2. DRBC Docket No. D-2000-48 CP, dated June 6, 2001, approved the use of one additional well (Deer Run Well No.1), which was used to supply water to a 150-lot residential subdivision and augment Aqua's Grandstaff system and to provide an emergency interconnection to the UGS North system. The 0.15 mgd capacity interconnection from the Honey Brook system was originally used only for emergency purposes to supply water to UGS North during periods of increased demand. Currently, water is regularly transferred between the formerly separate systems based on system pressure, water demand and the status of sources and storage.

Groundwater Sources

This water supply project consists of an existing withdrawal of groundwater from 14 existing wells and an existing interconnection with DMWA. These sources were previously included in two DRBC dockets (DRBC Docket Nos. D-2003-33 CP and D-2000-48 CP). The exception to this is Friendship Well No. 4, which has replaced Well No. 1. The total groundwater allocation provided by this docket (24.13 mgm) is a sum of the total groundwater allocations provided in the previous dockets. The total system allocation provided by this docket (39.63 mgm) is the sum of the groundwater and interconnection allocations provided in the two previous dockets.

The previous dockets also approved specific allocations for several individual well sources and combined allocations for certain wells. The previously approved individual well allocations for the Kay Well B (2.89 mgm), Kay Well C (3.57 mgm), Deer Run Well (2.95 mgm) and the combined well allocation of 10.08 mgm for the 9 original UGS North Wells (Culbertson Run Well, Kimberwick Wells, Friendship Wells and the Locust Knoll Well) are retained by this docket. The allocations for these wells have been converted from million gallons per 30 days to million gallons per month.

The instantaneous rates are based on pump capacity and the individual well allocations approved by this docket are based on previously approved allocations, usage data and pumping test data. As the existing water withdrawals have already been realized by the local hydrologic system, no significant impacts from continued withdrawals from the existing system wells is expected.

Docket D-2003-33 CP required that the docket holder conduct a long-term monitoring program in the vicinity of Kay Wells B and C. Although approved for use, these wells have not been in service since 2007. Because the docket holder has requested the continued approval to utilize these wells in the future and the long-term effects of active withdrawals have not yet been fully evaluated, the monitoring program approved by Docket D-2003-33 CP shall continue to be required as specified in Condition C.II.g. in the Decision Section of this docket.

Several of the docket holder's wells are located within the drainage area of one Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) subbasins, within a municipality that is not included in the SEPA GWPA. The Locust Knoll Well, Friendship Well No. 2, Friendship Well No. 4, Kay Well B and Kay Well C are located within the drainage area of the West Branch Brandywine-Beaver Run subbasin (SEPA GWPA Subbasin No. 78). Although these sources are not located in the SEPA GWPA, which is defined using municipal boundaries, the actual usage of these wells is included in the subbasin's total annual water use for planning purposes in the SEPA GWPA. The approved allocation of the five (5) Aqua sources located within the West Branch Brandywine-Beaver Creek subbasin is 11.38 mgm or 136.56 mgy.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. Aqua submitted its most recent water audits for the UGS North System and the Honey Brook System on March 30, 2016.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Surface Water Charges

The water transferred from DMWA to Aqua is obtained from DMWA's intake located on the East Branch Brandywine Creek and is subject to DRBC surface water charges. DMWA currently submits surface water fees to the Commission on a quarterly basis and these fees include the surface water withdrawn and transferred to Aqua. However, the water usage reported by DMWA to the DRBC does not specify the amount transferred to Aqua. Condition C.II.b requires

that Aqua report the monthly volume of water transferred from DMWA to the PADEP on an annual basis.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2003-033 CP-2 below:

a. The projects described in Docket Nos. D-2003-33 CP and D-2000-48 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2003-033 CP-2; and

b. Docket Nos. D-2003-33 CP and D-2000-48 CP are terminated and replaced by Docket No. D-2003-033 CP-2.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Public Water Supply and Water Allocation Permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of the project is contingent on the approval of these permits.

b. The docket holder shall register with and report to the PADEP all surface and groundwater sources, including the DMWA interconnection described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

c. The wells and operational records shall be available at all times for inspection by the DRBC.

d. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

e. During any month, the combined withdrawal from all well sources shall not exceed 24.13 million gallons, the transfer from DMWA shall not exceed 15.5 million gallons and the combined withdrawal from all well sources and the DMWA interconnection shall not exceed 39.63 mgm. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
Cross Keys	70 gpm	1.86 mgm
Culbertson Run	75 gpm	1.88 mgm
Kimberwick No. 1	93 gpm	3.40 mgm
Kimberwick No. 2		
Kimberwick No. 3		
Kimberwick No. 4		
Friendship No. 2	120 gpm	3.72 mgm
Friendship No. 4		
Locust Knoll	62 gpm	1.20 mgm
Kay Well B	65 gpm	2.89 mgm
Kay Well C	80 gpm	3.57 mgm
Deer Run	95 gpm	2.94 mgm
Grandstaff Well 1	28 gpm	1.25 mgm
Grandstaff Well 2	150 gpm	4.65 mgm

Additionally, the combined withdrawals from the Cross Keys, Culbertson Run, Kimberwick Nos. 1, 2, 3 and 4, Friendship Nos. 2 and 4 and the Locust Knoll well shall not exceed 10.08 mgm and the combined withdrawals from Grandstaff Well 1 and Grandstaff Well 2 shall not exceed 4.65 mgm

f. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

g. A long-term monitoring program is required to obtain data on groundwater and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as described below:

1. Groundwater Level Monitoring – Monitoring Wells Nos. 4, 10, 13 and 24 shall be measured to estimate annual groundwater fluctuations caused by seasonal changes and/or production well pumping, and to detect water level declines that may affect the performance of public and private wells in the area of Kay Wells B and C.

2. Reports – All monitoring data, including records required in Conditions "h." and "j." herein shall be submitted to the Commission annually, due April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be

prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

3. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

h. The docket holder shall pay for surface water use in accordance with Administrative Manual – Part III Basin Regulations – Water Supply Charges.

i. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director. Within 6 months of the approval date of this docket (March 14, 2017), separate meters shall be installed on each source approved in this docket.

j. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

k. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

l. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

m. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

o. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

p. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

q. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

r. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

s. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

t. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

u. Unless the docket holder requests an extension and that is approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

v. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

w. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and

unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

x. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

y. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

z. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: September 14, 2016

EXPIRATION DATE: September 14, 2026